

OCT 24 2005

I hereby certify that I have reasonable basis to expect that this correspondence is being transmitted by facsimile addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 via fax number 571-273-8300 on

October 24, 2005

Patrice Uchno Leland

Patrice L. Uchno Leland

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/634,021
(Attorney Docket No. GP-301946)

Filed August 2, 2003

Scott D. Thomas

Group 3616
Confirmation No. 5796

AUTOMOTIVE VEHICLE AIR BAG
SYSTEM

Examiner Fay M. Fleming

ELECTION UNDER 35 U.S.C. §121

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

The Office Action mailed September 28, 2005 requires Applicant to elect a single disclosed invention for prosecution of the merits. Currently, claim 1 is generic. The undersigned contacted the Examiner to clarify if the Action was alleging that there were seven or fourteen species. The Examiner confirmed that she meant seven species. For clarification, they are restated herein:

- Species 1: Figures 1A-1B, 5A-6C, 7A-7B, 8-10, 11-14
- Species 2: Figure 15
- Species 3: Figures 16-17
- Species 4: Figure 18
- Species 5: Figure 19
- Species 6: Figure 20
- Species 7: Figures 21A-21C, 22A-22C, 23A-24B, 24C-24G (or more succinctly Figs 21-24).

Serial No. 10/634,021

Page 2

Since Figures 2-4 were not addressed, Applicant believes they fall within at least Species 1. Figures 24H-J also were not addressed and Applicant believes they fall within at least Species 7.

In addition, the undersigned asked for the rationale for the restriction since one was not given in the Action. The response was that a reason was not necessary. Applicant respectfully disagrees. See MPEP 808, which states:

"Every requirement to restrict has two aspects, (1) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct, and (2) the reasons for insisting upon restriction therebetween as set forth in the following sections."

For example, if the Examiner argues that the related inventions as claimed are distinct, the Examiner must show by appropriate explanation one of the following:

- (1) Separate classification thereof.
- (2) A separate status in the art when they are classifiable together.
- (3) A different field of search. (MPEP 808.02)

Applicant respectfully submits that the claims as filed do not necessitate a separate field of search and ask that the Examiner reconsider the restriction requirement. But to comply fully in this response, Applicant elects to prosecute the species illustrated in Figures 1A-1B, 5A-6C, 7A-7B, 8-10, and 11-14 including claims 1-11, 14-16, 23-28, 31-33, 37 and 39. This election is made without traverse.

Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Respectfully submitted,



Laura C. Hargitt - Attorney
Reg. No. 43,989
Telephone: 313-665-4710

LCH:plul